

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

THE CANDY WRAPPERS, LLC.,

§

Plaintiff,

§

VS.

§ CIVIL ACTION NO. H-11-0930

I LOVE CHICAGO, INC.,

§

Defendant.

§

ORDER

Service of this action, filed on March 14, 2011, has not been effected. Federal Rule of Civil Procedure 4(m) provides in part:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

The plaintiff must file proof of service no later than September 9, 2011. Failure to do so may lead to the dismissal of this case. The initial pretrial conference set for August 26, 2011 is canceled. It will be reset, if appropriate, after proof of service is filed.

SIGNED on August 24, 2011, at Houston, Texas.



Lee H. Rosenthal
United States District Judge